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JC20 Rec'd PCT/PTO 26 MAR 2002

Practitioner's Docket No. U 013949-3

Optional Customer No. Bar Code



00140

PATENT TRADEMARK OFFICE

CHAPTER II

TRANSMITTAL LETTER  
TO THE UNITED STATES ELECTED OFFICE (EO/US)

(ENTRY INTO U.S. NATIONAL PHASE UNDER CHAPTER II)

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/AU00/01166	26 SEPTEMBER 2000 ✓	27 SEPTEMBER 1999 ✓
TITLE OF INVENTION		
A MOUTHGUARD		
APPLICANT(S)		
PETER BURNS		

Box PCT  
Assistant Commissioner for Patents  
Washington D.C. 20231  
ATTENTION: EO/US

NOTE: The completion of those filing requirements that can be made at a time later than 30 months from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 C.F.R.

CERTIFICATION UNDER 37 C.F.R. 1.10\*  
(Express Mail label number is **mandatory**.)  
(Express Mail certification is optional)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date March 26, 2002, in an envelope as "Express Mail Post Office to Addressee," Mailing Label Number EV 011021298 US, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

JENNIFER RASHKIN

(type or print name of person mailing paper)

  
Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing 37 C.F.R. 1.10(b).  
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Transmittal Letter to the United States Elected Office (EO/US)—page 1 of 9) 13-18

EXPRESS MAIL LABEL  
NO.: EV 011021298 US

*§1.491 which states. "An international application enters the national state when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."*

**WARNING:** *Where the items are those which can be submitted to complete the entry of the international application into the national phase are subsequent to 30 months from the priority date the application is still considered to be in the international state and if mailing procedures are utilized to obtain a date the express mail procedure of 37 C.F.R. §1.10 must be used (since international application papers are not covered by an ordinary certificate of mailing - See 37 C F R §1.8*

**NOTE:** *Documents and fees must be clearly identified as a submission to enter the national state under 35 USC 371 otherwise the submission will be considered as being made under 35 USC 111. 37 C.F.R. § 1.494(f)*

1. Applicant herewith submits to the United States Elected Office (EO/US) the following items under 35 U.S.C. 371:
  - a. ☒ This express request to immediately begin national examination procedures (35 U.S.C. 371(f)).
  - b. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees (37 C.F.R. § 1.492) as indicated below:

2. Fees

CLAIMS FEE	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS*	9 - 20 =		x \$ 18.00 =	\$
	INDEPENDENT CLAIMS*	1 - 3 =		x \$ 84.00 =	
	MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$280.00				
BASIC FEE**	<input type="checkbox"/> U.S. PTO WAS INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where an International preliminary examination fee as set forth in § 1.482 has been paid on the international application to the U.S. PTO: <input type="checkbox"/> and the international preliminary examination report states that the criteria of novelty, inventive step (non-obviousness) and industrial activity, as defined in PCT Article 33(2) to (4) have been satisfied for all the claims presented in the application entering the national stage (37 CFR 1.492(a)(4)) ..... \$100.00 <input type="checkbox"/> and the above requirements are not met (37 CFR 1.492(a)(1)) ..... \$710.00  <input checked="" type="checkbox"/> U.S. PTO WAS NOT INTERNATIONAL PRELIMINARY EXAMINATION AUTHORITY Where no international preliminary examination fee as set forth in § 1.482 has been paid to the U.S. PTO, and payment of an international search fee as set forth in § 1.445(a)(2) to the U.S. PTO: <input type="checkbox"/> has been paid (37 CFR 1.492(a)(2)) ..... \$740.00 <input checked="" type="checkbox"/> has not been paid (37 CFR 1.492(a)(3)) ..... \$1,040.00 <input type="checkbox"/> where a search report on the international application has been prepared by the European Patent Office or the Japanese Patent Office (37 CFR 1.492(a)(5)) ..... \$890.00				
	Total of above Calculations				=1,040.00
SMALL ENTITY	Reduction by ½ for filing by small entity, if applicable. Statement may also be filed. (note 37 CFR 1.9, 1.27, 1.28)				-
	Subtotal				
	Total National Fee				\$
	Fee for recording the enclosed assignment document \$40.00 (37 CFR 1.21(h)). (See Item 13 below). See attached "ASSIGNMENT COVER SHEET".				
TOTAL	Total Fees enclosed				\$1,040.00

\*May include Preliminary Amendment (see page 8) reducing the number of claims.

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- i. ☒ [X] A check in the amount of 1,040.00 to cover the above fees is enclosed.
- ii. ☐ [ ] Please charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.

**\*\*WARNING** "To avoid abandonment of the application the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 30 months from the priority date: \* \* \* (2) the basic national fee (see § 1.492(a)) The 30-month time limit may not be extended " 37 C.F.R. § 1.495(b).

**WARNING:** If the translation of the international application and/or the oath or declaration have not been submitted by the applicant within thirty (30) months from the priority date, such requirements may be met within a time period set by the Office. 37 C.F.R. § 1.495(b)(2). The payment of the surcharge set forth in § 1.492(e) is required as a condition for accepting the oath or declaration later than thirty (30) months after the priority date. The payment of the processing fee set forth in § 1.492(f) is required for acceptance of an English translation later than thirty (30) months after the priority date. Failure to comply with these requirements will result in abandonment of the application. The provisions of § 1.136 apply to the period which is set. Notice of Jan. 3, 1993, 1147 O.G. 29 to 40

- ☐ [ ] Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27.
- ☐ [ ] A Statement or Written Assertion is attached.

**NOTE:** 37 C.F.R. § 1.27(c) deals with the assertion of small entity status, whether by a written specific declaration thereof or by payment as a small entity of the basic filing fee or the fee for the entry into the national phase as states:

"(c) Assertion of small entity status Any party (person, small business concern or nonprofit organization) should make a determination, pursuant to paragraph (f) of this section, of entitlement to be accorded small entity status based on the definitions set forth in paragraph (a) of this section, and must, in order to establish small entity status for the purpose of paying small entity fees, actually make an assertion of entitlement to small entity status, in the manner set forth in paragraph (c)(1) or (c)(3) of this section, in the application or patent in which such small entity fees are to be paid.

- (1) Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must

- (i) Be clearly identifiable,
- (ii) Be signed (see paragraph (c)(2) of this section); and
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement

- (2) Parties who can sign and file the written assertion The written assertion can be signed by:

- (i) One of the parties identified in §§ 1.33(b) (e.g., an attorney or agent registered with the Office), §§ 3.73(b) of this chapter notwithstanding, who can also file the written assertion,
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding §§ 1.33(b)(4), who can also file the written assertion pursuant to the exception under §§ 1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under §§ 1.33(b) of this part

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(3) *Assertion by payment of the small entity basic filing or basic national fee. The payment, by any party, of the exact amount of one of the small entity basic filing fees set forth in §§ 1.16(a), (f), (g), (h), or (k), or one of the small entity basic national fees set forth in §§ 1.492(a)(1), (a)(2), (a)(3), (a)(4) or (a)(5), will be treated as a written assertion of entitlement to small entity status even if the type of basic filing or basic national fee is inadvertently selected in error.*

(i) *If the Office accords small entity status based on payment of a small entity basic filing or basic national fee under paragraph (c)(3) of this section that is not applicable to that application, any balance of the small entity fee that is applicable to that application will be due along with the appropriate surcharge set forth in §§ 1.16(e) or §§ 1.16(l).*

(ii) *The payment of any small entity fee other than those set forth in paragraph (c)(3) of this section (whether in the exact fee amount or not) will not be treated as a written assertion of entitlement to small entity status and will not be sufficient to establish small entity status in an application or a patent."*

3. [X] A copy of the International application as filed (35 U.S.C. 371(c)(2)):

*NOTE. Section 1.495 (b) was amended to require that the basic national fee and a copy of the international application must be filed with the Office by 30 months from the priority date to avoid abandonment "The International Bureau normally provides the copy of the international application to the Office in accordance with PCT Article 20. At the same time, the International Bureau notifies applicant of the communication to the Office. In accordance with PCT Rule 47.1, that notice shall be accepted by all designated offices as conclusive evidence that the communication has duly taken place. Thus, if the applicant desires to enter the national stage, the applicant normally need only check to be sure the notice from the International Bureau has been received and then pay the basic national fee by 30 months from the priority date." Notice of Jan. 7, 1993, 1147 O.G. 29 to 40, at 35-36. See item 14c below.*

- a. [ ] is transmitted herewith.
- b. [ ] is not required, as the application was filed with the United States Receiving Office.
- c. [X] has been transmitted
  - i. [X] by the International Bureau.  
Date of mailing of the application (from form PCT/IB/308): 05 APRIL 2001.
  - ii. [ ] by applicant on \_\_\_\_\_  
Date

4. [X] A translation of the International application into the English language (35 U.S.C. 371(c)(2)):

- a. [ ] is transmitted herewith.
- b. [X] is not required as the application was filed in English.
- c. [ ] was previously transmitted by applicant on \_\_\_\_\_  
Date
- d. [ ] will follow.

5. ☒ Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3)):

*NOTE: The Notice of January 7, 1993 points out that 37 C.F.R. § 1.495(a) was amended to clarify the existing and continuing practice that PCT Article 19 amendments must be submitted by 30 months from the priority date and this deadline may not be extended. The Notice further advises that "The failure to do so will not result in loss of the subject matter of the PCT Article 19 amendments. Applicant may submit that subject matter in a preliminary amendment filed under section 1.121. In many cases, filing an amendment under section 1.121 is preferable since grammatical or idiomatic errors may be corrected." 1147 O.G. 29-40, at 36*

- a. ☐ are transmitted herewith.
  - b. ☐ have been transmitted
    - i. ☐ by the International Bureau.  
Date of mailing of the amendment (from form PCT/IB/308): \_\_\_\_\_.
    - ii. ☐ by applicant on \_\_\_\_\_.  
Date
  - c. ☒ have not been transmitted as
    - i. ☒ applicant chose not to make amendments under PCT Article 19.  
Date of mailing of Search Report (from form PCT/ISA/210): 7 DEC. 2000.
    - ii. ☐ the time limit for the submission of amendments has not yet expired.  
The amendments or a statement that amendments have not been made will be transmitted before the expiration of the time limit under PCT Rule 46.1.
6. ☒ A translation of the amendments to the claims under PCT Article 19 (38 U.S.C. 371(c)(3)):
- a. ☐ is transmitted herewith.
  - b. ☐ will follow
  - c. ☐ is not required as the amendments were made in the English language.
  - d. ☒ has not been transmitted for reasons indicated at point 5(c) above.
7. ☒ A copy of the international examination report (PCT/IPEA/409)
- ☒ is transmitted herewith.
  - ☐ is not required as the application was filed with the United States Receiving Office.
8. ☐ Annex(es) to the international preliminary examination report
- a. ☐ is/are transmitted herewith.
  - b. ☐ is/are not required as the application was filed with the United States Receiving Office.
9. ☐ A translation of the annexes to the international preliminary examination report
- a. ☐ is transmitted herewith.
  - b. ☐ is not required as the annexes are in the English language.

10. ☒ An oath or declaration of the inventor (35 U.S.C. 371(c)(4)) complying with 35 U.S.C. 115
- a. ☐ was previously submitted by applicant on \_\_\_\_\_.  
Date
- b. ☐ is submitted herewith, and such oath or declaration
- i. ☐ is attached to the application.
- ii. ☐ identifies the application and any amendments under PCT Article 19 that were transmitted as stated in points 3(b) or 3(c) and 5(b); and states that they were reviewed by the inventor as required by 37 C.F.R. 1.70.
- c. ☒ will follow.

Other document(s) or information included:

11. ☒ An International Search Report (PCT/ISA/210) or Declaration under PCT Article 17(2)(a):
- a. ☒ is transmitted herewith.
- b. ☐ has been transmitted by the International Bureau.  
Date of mailing (from form PCT/IB/308): \_\_\_\_\_.
- c. ☐ is not required, as the application was searched by the United States International Searching Authority.
- d. ☐ will be transmitted promptly upon request.
- e. ☐ has been submitted by applicant on \_\_\_\_\_.  
Date
12. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98:
- a. ☐ is transmitted herewith.  
Also transmitted herewith is/are:  
☐ Form PTO-1449 (PTO/SB/08A and 08B).  
☐ Copies of citations listed.
- b. ☒ will be transmitted within THREE MONTHS of the date of submission of requirements under 35 U.S.C. 371(c).
- c. ☐ was previously submitted by applicant on \_\_\_\_\_.  
Date

13. ☐ An assignment document is transmitted herewith for recording.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. ☒ Additional documents:
- a. ☒ Copy of request (PCT/RO/101)
- b. ☒ International Publication No. WO 01/22900 A1
- i. ☒ Specification, claims and drawing
- ii. ☐ Front page only
- c. ☒ Preliminary amendment (37 C.F.R. § 1.121)
- d. ☒ Other
- FORM PCT/IB/308; FORM PCT/IPEA/401
- 
- 
15. ☒ The above checked items are being transmitted
- a. ☒ before 30 months from any claimed priority date.
- b. ☐ after 30 months.
16. ☐ Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on \_\_\_\_\_, namely:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

#### AUTHORIZATION TO CHARGE ADDITIONAL FEES

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

**NOTE:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3)

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 12-0425.

☒ 37 C.F.R. 1.492(a)(1), (2), (3), and (4) (filing fees)

**WARNING:** Because failure to pay the national fee within 30 months without extension (37 C.F.R. § 1.495(b)(2)) results in abandonment of the application, it would be best to always check the above box.

☐ 37 C.F.R. 1.492(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only



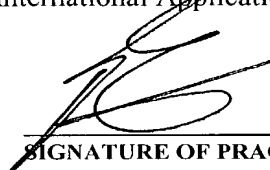
be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.492(d)), it might be best not to authorize the PTO to charge additional claim fees, except possible when dealing with amendments after final action.

- ☒ 37 C.F.R. 1.17 (application processing fees)  
☒ 37 C.F.R. 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).  
☒ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**NOTE** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance 37 C.F.R. § 1.311(b)

**NOTE** 37 C.F.R. 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application prior to paying, or at the time of paying issue fee." From the wording of 37 C.F.R. § 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

- ☐ 37 C.F.R. § 1.492(e) and (f) (surcharge fees for filing the declaration and/or filing an English translation of an International Application later than 30 months after the priority date).



SIGNATURE OF PRACTITIONER

Reg. No.: 25,858

WILLIAM R. EVANS

(type or print name of practitioner)

Tel. No.: (212)708-1930

LADAS & PARRY

P.O. Address

Customer No.: 00140

26 WEST 61<sup>ST</sup> STREET

NEW YORK, NEW YORK 10023

10089359-10 MAY 2002  
13 Recd PCT/PTO 10 MAY 2002

10/089359

PATENT

MAY 10 2002 Practitioner's Docket No. U 013949-3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Peter BURNS  
Serial No.: 10/089,359  
International Application No.: PCT/AU00/01166  
International Filing Date: September 26, 2000

For: A MOUTHGUARD

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

Sir:

**PRELIMINARY AMENDMENT**

Please amend the above identified application as follows:

**IN THE CLAIMS :**

Please cancel claim 8.

Please amend claims 4, 5, 6, 7 and 9 as follows:

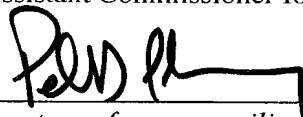
4. (Amended) The method of claim 1 wherein said sheet is formed of natural of synthetic rubber, latex, silicone or elastic foil.

5. (Amended) The method of claim 1 wherein said sheet is of a domed configuration prior to deflation.

**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231

Date: May 6, 2002

  
(Signature of person mailing paper)

Peter D. Galloway  
(type or print name of person certifying)

6. (Amended) The method of claim 1 wherein said sheet is flat prior to elastic defamation.

7. (Amended) The method of claim 1 wherein said sheet is maintained at a spaced location relative to the shell prior to elastic defamation, and is subsequently moved towards said shell to cause initial elastic defamation of the sheet prior to applying said pressure differential.

9. (Amended) A mouthguard formed by the method of claim 1.

Please add new claims 10- as follows:

10. (New) The method of claim 2 wherein said sheet is formed of natural of synthetic rubber, latex, silicone or elastic foil.

11. (New) The method of claim 3 wherein said sheet is formed of natural of synthetic rubber, latex, silicone or elastic foil.

12. (New) The method of claim 2 wherein said sheet is of a domed configuration prior to defamation.

13. (New) The method of claim 3 wherein said sheet is of a domed configuration prior to defamation.

14. (New) The method of claim 4 wherein said sheet is of a domed configuration prior to defamation.

15. (New) The method of claim 2 wherein said sheet is flat prior to elastic defamation.

16. (New) The method of claim 3 wherein said sheet is flat prior to elastic defamation.

17. (New) The method of claim 4 wherein said sheet is flat prior to elastic defamation.

**Remarks**

The above amendatory action is taken solely for the purpose of avoiding claim fees that would otherwise accrue due to the presence of multiple dependent claims.

Respectfully submitted,



PETER D. GALLOWAY  
LADAS & PARRY  
26 WEST 61<sup>ST</sup> STREET  
NEW YORK, NEW YORK 10023  
REG.NO.27,885 (212)708-1905

**MARKED UP COPY**

4. (Amended) The method of [any one of Claims 1 to 4] claim 1 wherein said sheet is formed of natural of synthetic rubber, latex, silicone or elastic foil.

5. (Amended) The method of [any one of Claims 1 to 4] claim 1 wherein said sheet is of a domed configuration prior to defamation.

6. (Amended) The method of [any one of Claims 1 to 4] claim 1 wherein said sheet is flat prior to elastic defamation.

7. (Amended) The method of [any one of Claims 1 to 6] claim 1 wherein said sheet is maintained at a spaced location relative to the shell prior to elastic defamation, and is subsequently moved towards said shell to cause initial elastic defamation of the sheet prior to applying said pressure differential.

9. (Amended) A mouthguard formed by the method of [any one of the previous claims] claim 1.

Practitioner's Docket No. U 013949-3**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**[X] In re application of: **PETER BURNS**

Application No.:

Group No.:

Filed: March 26, 2002

Examiner:

For: A MOUTHGUARD

[ ] \*Patent No.:

Issue Date:

*\*NOTE: Insert name(s) of inventor(s) and title also for patent Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M Fee to address*

**STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

[ ] the specification filed herewith.

[X] application no. PCT/AU00/01166, filed September 26, 2000.

[ ] patent no. \_\_\_\_\_ issued \_\_\_\_\_.

**I. IDENTIFICATION AND RIGHTS AS A SMALL ENTITY**

I hereby state that I am

(complete either (a), (b), (c) or (d) below)

**(a) Independent Inventor**

[ ] a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

**(b) Noninventor Supporting a Claim by Another**

[ ] making this statement to support a claim by

for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby state that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

**(c) Small Business Concern**

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

check  
one →

Name of Concern SIGNATURE MOUTHGUARDS PTY LIMITED

Address of Concern ACN 056 831 773 of Level 1,9 Carlotta Street, Artarmon

New South Wales, 2064, Australia and

that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

☐ an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization \_\_\_\_\_

Address of Organization \_\_\_\_\_

TYPE OF ORGANIZATION

☐ University or Other Institution of Higher Education

☐ Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))

☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America

(Name of State \_\_\_\_\_)

(Citation of Statute \_\_\_\_\_)

☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)), if Located in the United States of America

☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America, if Located in the United States of America

(Name of State \_\_\_\_\_)

(Citation of Statute \_\_\_\_\_)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

**II. OWNERSHIP OF INVENTION BY DECLARANT**

I hereby state that rights under contract or law remain with and/or have been conveyed to the above identified

☐ person  
(item (a) or (b) above)

☒ concern  
(item (c) above)

☐ organization  
(item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

- ☒ no such person, concern, or organization  
☐ person, concerns or organizations listed below\*

*\*NOTE. Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)*

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ INDIVIDUAL                      ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

Full Name \_\_\_\_\_  
 Address \_\_\_\_\_  
☐ INDIVIDUAL                      ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

### III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

### IV. DECLARATION

*(check the following item, if desired)*

*NOTE: The following verification statement need not be made in accordance with the rules published on October 10, 1997, 62 Fed. Reg. 52131, effective December 1, 1997.*

*NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 CFR 1.4(d)(2).*

- ☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.



**V. SIGNATURES***(complete only (e) or (f) below)***(e)**

NOTE: All inventors must sign the statement.

\_\_\_\_\_  
Name of Inventor

Date: \_\_\_\_\_

\_\_\_\_\_  
**Signature of Inventor**\_\_\_\_\_  
Name of Inventor

Date: \_\_\_\_\_

\_\_\_\_\_  
**Signature of Inventor**\_\_\_\_\_  
Name of Inventor

Date: \_\_\_\_\_

\_\_\_\_\_  
**Signature of Inventor***(add lines for any additional inventors who must sign)*

or

**(f)**

NOTE. The title of the person signing on behalf of a concern or nonprofit organization should be specified.

Name of Person Signing (X) PETER JOHN RUANSTitle of Person (X) FOUNDER AND CHAIRMAN  
*(if signing on behalf of a concern or non-profit organization)*Address of Person Signing Level 1,9 Carlotta Street, ArtarmonNew South Wales, 2062 AustraliaSIGNATURE (X)  \_\_\_\_\_DATE (X) 22/5/02

## **A MOUTHGUARD**

### **Technical Field**

5           The present invention relates to mouthguards and more particularly, but not exclusively, to mouthguards used by sport participants.

### **Background of the Invention**

10           Mouthguards have consisted of a number of types, including those constructed of thermoplastics material, which are heated (typically in hot water) and then applied to the user's mouth so that the mouthguard is moulded to fit the user's teeth and jaw. A more expensive type of mouthguard is as provided generally by dentists. The dentist "custom fitted" mouthguards are manufactured from an impression taken of the user's teeth and jaw. A sheet of plastics material is placed over the impression and plastically deformed  
15           thereto by the use of heat and pressure.

          The custom fitted mouthguards discussed above suffer from the disadvantage that there is not incorporated within the mouthguard features desirable for improving the level of protection for the user.

### **Object of the Invention**

20           It is the object of the present invention to overcome or substantially ameliorate the above disadvantage.

### **Summary of the Invention**

25           The present invention is a method to form a mouthguard to be worn by a user, the method includes the steps of:

          providing a mould having a portion configured as a reproduction of a portion of a user's mouth;

          locating on the mould a mouthguard shell to be plastically deformed by pressure  
30           to conform to said portion;

          placing over the shell a deformable sheet so that the shell is located between the sheet and mould; and

applying a pressure differential across the sheet so that the sheet urges the shell against the mould to plastically deform the shell against said portion so that the mouthguard conforms to the configuration of the user's mouth.

### Brief Description of the Drawings

A preferred form of the present invention will now be described by way of example with reference to the accompanying drawings wherein:

Figure 1 is a schematic perspective view of an apparatus to deform a mouthguard shell to the configuration of a mould;

Figure 2 is a schematic part section side elevation of the apparatus mould and mouthguard shell of Figure 1, in a first configuration;

Figure 3 is a schematic part section side elevation of the apparatus, mould and mouthguard shell as illustrated in Figure 2, in a further configuration; and

Figure 4 is a schematic section side elevation of an alternative sheet member employed in the apparatus of Figure 1.

### Detailed Description of the Preferred Embodiment

Described in International Patent Application PCT/AU99/00458 are a number of mouthguard shells (bodies) which can be plastically deformed so as to conform to the configuration of a user's mouth. The mouthguard shells disclosed in this international patent application may be employed in the apparatus 10 of Figures 1 to 3. However, in this respect it should be appreciated that the mouthguard shell described herein is formed from a suitable mouldable material and need not be a shell as described in the above PCT application.

In the accompanying drawings there is schematically depicted an apparatus 10 within which a mouthguard is formed. The apparatus 10 includes a base 11 from which there upwardly extends three posts 12. Inserted over the posts 12 is a sealing ring 13 which has apertures 14 through which the posts 12 pass.

The base 11 receives a mould 29 to deform the mouthguard shell 16. The mould 15 has a portion 17 produced from an impression taken from a patient's mouth, particularly the teeth and gums.

The mouthguard shell 16 is of a "C" configuration and is of a "U" transverse cross section. Typically, the mouthguard shell 16 would have the shape and configuration as illustrated in the above-mentioned PCT specification. The mouthguard shell 16 would

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fit over the portion 17 so that the portion 17 is located between flanges 18 of the shell 16 and would in particular engage base 19 of the shell 16 to cause deformation thereof so that the mouthguard shell 16 conforms to the shape and configuration of the portion 17.

Typically, the shell 16 would be heated prior to being placed on the portion 17, so that when pressure is applied to the shell 16, the shell 16 plastically deforms. To apply pressure to the shell 16 there is provided a sheet member 21 formed of resilient material such as plastics or rubber material. In this embodiment the sheet member 21 is of a circular configuration so as to rest on the annular lip 20. To maintain the sheet member 21 in sealing contact with the ring 13 there is provided a clamp ring 22 which is of a similar configuration to the ring 13. The ring 22 has apertures 23 through which the posts 12 pass.

The ring 13 has an annular step 24 providing the lip 20. As best seen in Figures 2 and 3 the member 21 is engaged within the step 24.

The ring 23 has an annular projection 25 which is of a configuration to cooperate with the step 24 so that the member 21 has its annular periphery clamped between the rings 13 and 22. If so required the ring 22 can be provided with a sealing ring 26.

When the mouthguard shell 16 is to be deformed to form a mouthguard for the patient from which the impression has been taken, the shell 16 is heated and then placed on the portion 17. The apparatus 10 with the shell 16 is then placed in a machine which applies a pressure differential across the member 21. More particularly the machine includes a piston that engages with the upper surface 27 of the ring 22 and moves the rings 13 and 22 down into contact with the surface 28 of the base 11. The piston sealingly engages the surface 27 and applies a gas (preferably air) under pressure to the upper surface of the member 21. The member 21 then deforms about the shell 16 and forces the shell 16 onto the portion 17 to plastically deform the shell 16. The pressure above the member 21 is released and the rings 13 and 22 raised so that an operator may then remove the formed mouthguard.

In an alternative embodiment the rings 13 and 22 may be moved into contact with the surface 28 and then air withdrawn from below the member 21 so that air pressure above the member 21 exerts a force on the shell 16 to deform the shell 16.

In an alternative embodiment the member 21 may be preformed so as to be convex as illustrated in Figure 4. This would aid in minimising or eliminating forces generated by stretching the member 21 over the shell 16. In such an arrangement only the pressure differential across the member 21 would cause deformation of the shell 16.

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In the above described preferred embodiments the member 21 may be rubber, latex, silicone or any other suitable synthetic elastomeric material. In the above embodiment the member 21 is of a domed configuration. However in an alternative embodiment the member 21 may be flat prior to elastic deflation and may be formed of elastic foil.

## CLAIMS:

1. A method to form a mouthguard to be worn by a user, the method includes the steps of:

providing a mould having a portion configured as a reproduction of a portion of a user's mouth;

locating on the mould a mouthguard shell to be plastically deformed by pressure to conform to said portion;

placing over the shell a deformable sheet so that the shell is located between the sheet and mould; and

applying a pressure differential across the sheet so that the sheet urges the shell against the mould to plastically deform the shell against said portion so that the mouthguard conforms to the configuration of the user's mouth.

2. The method of Claim 1 wherein the sheet has a shell side and a remote side, with the pressure on said remote side being increased to urge the shell against the mould.

3. The method of Claim 1 wherein said sheet has a shell side and a remote side, with the pressure on said shell side being reduced to urge the shell against the mould.

4. The method of any one of Claims 1 to 4 wherein said sheet is formed of natural or synthetic rubber, latex, silicone or elastic foil.

5. The method of any one of Claims 1 to 4 wherein said sheet is of a domed configuration prior to deflation.

6. The method of any one of Claims 1 to 4 wherein said sheet is flat prior to elastic deflation.

7. The method of any one of Claims 1 to 6 wherein said sheet is maintained at a spaced location relative to the shell prior to elastic deflation, and is subsequently moved towards said shell to cause initial elastic deflation of the sheet prior to applying said pressure differential.

8. A method to form a mouthguard to be worn by a user, substantially as hereinbefore described with reference to the accompanying drawings.

9. A mouthguard formed by the method of any one of the previous claims.

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

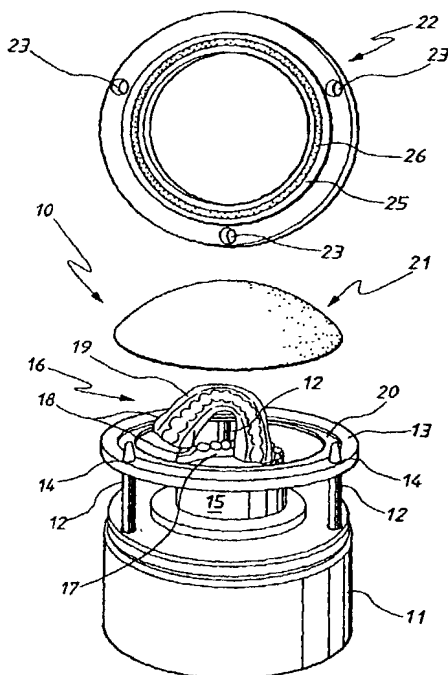
(19) World Intellectual Property Organization  
International Bureau(43) International Publication Date  
5 April 2001 (05.04.2001)

PCT

(10) International Publication Number  
**WO 01/22900 A1**

- (51) International Patent Classification<sup>7</sup>: **A61C 5/14**, (74) Agent: SPRUSON & FERGUSON; GPO Box 3898, Sydney, NSW 2001 (AU).  
A63B 71/10
- (21) International Application Number: PCT/AU00/01166 (81) Designated States (*national*): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (22) International Filing Date: 26 September 2000 (26.09.2000)
- (25) Filing Language: English
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- (30) Priority Data: PQ3121 27 September 1999 (27.09.1999) AU (84) Designated States (*regional*): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- (71) Applicant (*for all designated States except US*): **SIGNATURE MOUTHGUARDS PTY LIMITED [AU/AU]**; Level 1, 9 Carlotta Street, Artarmon, NSW 2064 (AU).  
**Published:**  
— *With international search report.*
- (72) Inventor; and
- (75) Inventor/Applicant (*for US only*): **BURNS, Peter [AU/AU]**; Level 1, 9 Carlotta Street, Artamon, NSW 2064 (AU).  
*For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.*

(54) Title: A MOUTHGUARD



(57) Abstract: A method to form a mouthguard, said method including the steps of providing a mould (14) to which a mouthguard shell (16) is applied. A sheet member (21) of resilient material is applied to the shell (16) and plastically deformed by applying a pressure differential across the sheet to thereby urge the shell (16) into contact with the mould (29) to plastically deform the shell (16) to form a mouthguard.

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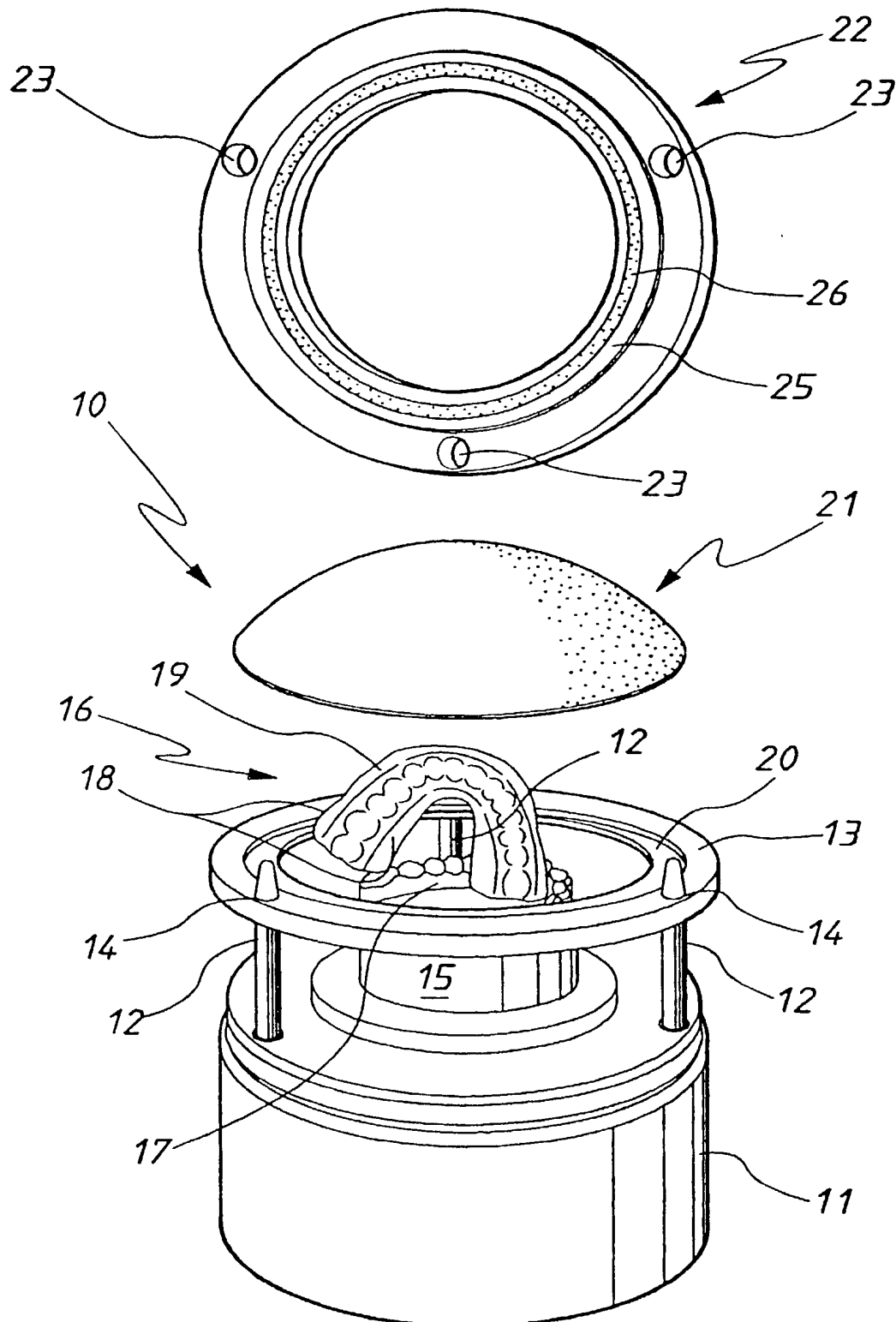


FIG. 1



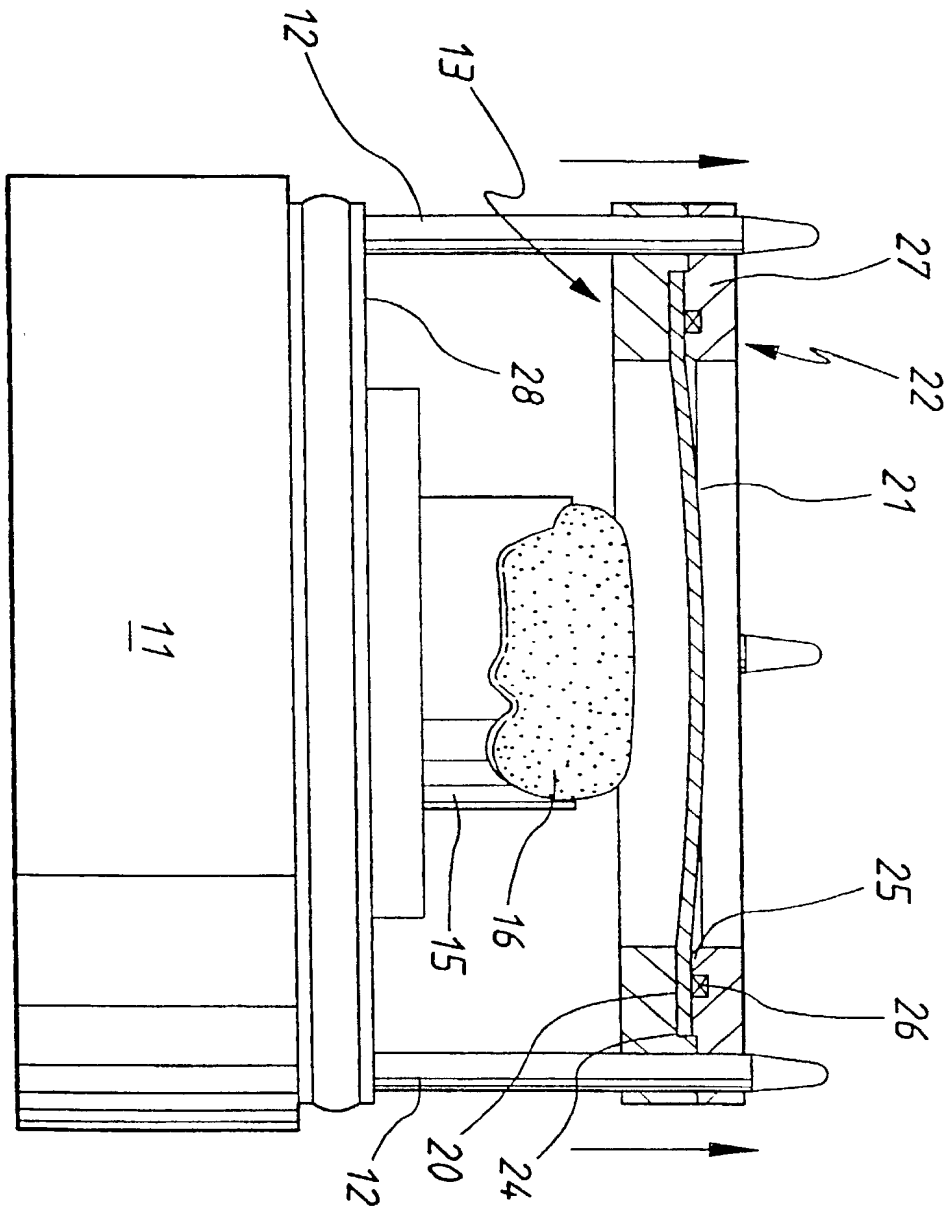
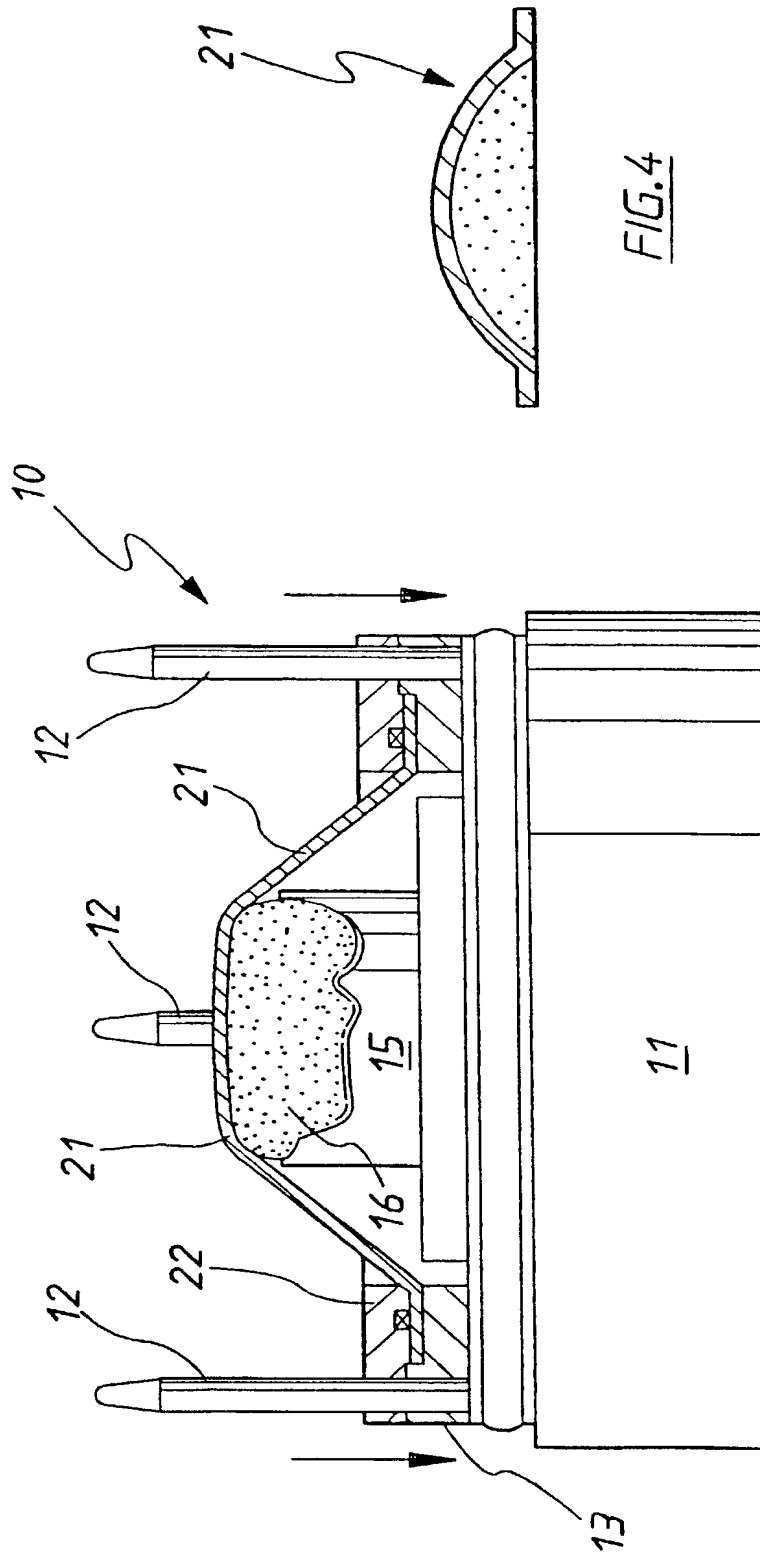


FIG. 2



Practitioner's Docket No. U 013949-3

PATENT

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00140

PATENT TRADEMARK OFFICE

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**COMBINED DECLARATION AND POWER OF ATTORNEY**


---

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

*(check one applicable item below)*

- ☐ original.  
☐ design.

**NOTE:** *With the exception of a supplemental oath or declaration submitted in a reissue, a supplemental oath or declaration is not treated as an amendment under 37 CFR 1.312 (Amendments after allowance). M.P.E.P. Section 714 16, 7<sup>th</sup> Ed.*

- ☐ supplemental.

**NOTE:** *If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.*

- ☒ national stage of PCT.

**NOTE:** *If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.*

**NOTE:** *See 37 C.F.R. Section 1.63(d) (continued prosecution application) for use of a prior nonprovisional application declaration in the continuation or divisional application being filed on behalf of the same or fewer of the inventors named in the prior application.*

- ☐ divisional.  
☐ continuation.

**NOTE:** *Where an application discloses and claims subject matter not disclosed in the prior application, or a continuation or divisional application names an inventor not named in the prior application, a continuation-in-part application must be filed under 37 C.F.R. Section 1.53(b) (application filing requirements-nonprovisional application)*

- ☐ continuation-in-part (C-I-P).

**INVENTORSHIP IDENTIFICATION**

**WARNING:** *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**


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A MOUTHGUARD ✓

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**SPECIFICATION IDENTIFICATION**

The specification of which:

(complete (a), (b), or (c))

(a) ☐ is attached hereto.

**NOTE:** *"The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

*"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;*

*"(2) name of inventor(s), and attorney docket number which was on the specification as filed; or*

*"(3) name of inventor(s), and title which was on the specification as filed "*

*Notice of July 13, 1995 (1177 O.G. 60).*

(b) ☐ was filed on \_\_\_\_\_, ☐ as Application No. \_\_\_\_\_  
☐ and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** *Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. Section 1.67.*

**NOTE:** *"The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

*(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);*

*(B) serial number and filing date;*

*(C) attorney docket number which was on the specification as filed;*

*(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*

*(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*

*M.P.E.P. § 601 01(a), 7th ed.*

(c) ☒ [X] was described and claimed in PCT International Application No. PCT/AU00/01166 ✓  
 filed on 26 September 2000 and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

### **SUPPLEMENTAL DECLARATION (37 C.F.R. Section 1.67(b))**

*(complete the following where a supplemental declaration is being submitted)*

☐ [ ] I hereby declare that the subject matter of the

☐ [ ] attached amendment

☐ [ ] amendment filed on \_\_\_\_\_.

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

### **ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56,

*(also check the following items, if desired)*

☐ [ ] and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

☐ [ ] in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 C.F.R. Section 1.98.

### **PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))**

**NOTE:** 37 C.F.R. § 1.55 Claim for foreign priority.

*"(a) An applicant in a nonprovisional application may claim the benefit of the filing date of one or more prior foreign applications under the conditions specified in 35 U.S.C. 119(a) through (d) and (f), 172, and 365(a) and (b).*

*(1)(i) In an original application filed under 35 U.S.C. 111(a), the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. This time period is not extendable. The claim must identify the foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by specifying the application number, country (or intellectual property authority), day, month, and year of its filing. The time period in this paragraph does not apply to an application for a design patent.*

*(ii) In an application that entered the national stage from an international application after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and the Regulations under the PCT."*

(2) The claim for priority and the certified copy of the foreign application specified in 35 U.S.C. 119(b) or PCT Rule 17 must, in any event, be filed before the patent is granted. If the claim for priority or the certified copy of the foreign application is filed after the date the issue fee is paid, it must be accompanied by the processing fee set forth in § 1.17(i), but the patent will not include the priority claim unless corrected by a certificate of correction under 35 U.S.C. 255 and § 1.323

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.  
 (e) ☒ such applications have been filed as follows.

NOTE: Where item (e) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
 (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
 AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. SECTION 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119
AU ✓	PQ3121 ✓	27 September 1999 ✓	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
 (35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**  
 \_\_\_\_\_/  
 \_\_\_\_\_/  
 \_\_\_\_\_/

**FILING DATE**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**  
**UNDER 35 U.S.C. SECTION 120**

- ☐ The claim for the benefit of any such applications are set forth in the attached  
ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P)  
APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. Section 120

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

JOSEPH H. HANDELMAN, 26179

JULIAN H. COHEN, 20302

JOHN RICHARDS, 31053

WILLIAM R. EVANS, 25858

10- RICHARD J. STREIT, 25765

JANET I. CORD, 33778

PETER D. GALLOWAY, 27885

CLIFFORD J. MASS, 30086

RICHARD P. BERG, 28145

CYNTHIA R. MILLER, 34678

*(Check the following item, if applicable)*

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

NOTE: "Special care should be taken in continuation or divisional applications to ensure that any change of correspondence address in a prior application is reflected in the continuation or divisional application. For example, where a copy of the oath or declaration from the prior application is submitted for a continuation or divisional application filed under 37 CFR 1.53(b) and the copy of the oath or declaration from the prior application designates an old correspondence address, the Office may not recognize, in the continuation or divisional application, the change of correspondence address made during the prosecution of the prior application. Applicant is required to identify the change of correspondence address in the continuation or divisional application to ensure that communications from the Office are mailed to the current correspondence address. 37 CFR 1.63(d)(4) " Section 601.03, M.P.E.P., 7th Ed

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SEND CORRESPONDENCE TO

**Ladas & Parry**  
**26 West 61<sup>st</sup> Street**  
**New York, N.Y. 10023**

DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

**William R. Evans**  
**(212) 708-1930**

---

(complete the following if applicable)

Since this filing is a [ ] continuation [ ] divisional there is attached hereto a Change of Correspondence Address so that there will be no question as to where the PTO should direct all correspondence.

#### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



**SIGNATURE(S)**

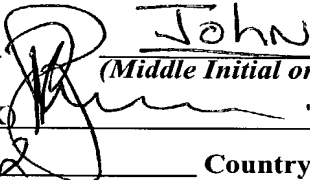
**NOTE:** Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other document.

**NOTE:** Each inventor must be identified by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial, and by his/her residence, post office address and country of citizenship. 37 C.F.R. Section 1.63(a)(3).

**NOTE:** Inventors may execute separate declarations/oaths provided each declaration/oath sets forth all the inventors. Section 1.63(a)(3) requires that a declaration/oath, inter alia, identify each inventor and prohibits the execution of separate declarations/oaths which each sets forth only the name of the executing inventor. 62 Fed. Reg. 53,131, 53,142, October 10, 1997,

**Full name of sole or first inventor**

1-00 PETER John BURNS  
(Given Name) (Middle Initial or Name) Family (Or Last Name)

Inventor's signature (X) 

Date (X) 22/5/02 Country of Citizenship Australia ✓

Residence Artarmon, Australia Aux

Post Office Address Level 1, 9 Carlotta Street, Artarmon New South Wales 2064, Australia

**Full name of second joint inventor, if any**

(Given Name) (Middle Initial or Name) Family (Or Last Name)

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

**Full name of third joint inventor, if any**

(Given Name) (Middle Initial or Name) Family (Or Last Name)

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

*(check proper box(es) for any of the following added page(s)  
that form a part of this declaration)*

☐ **Signature** for fourth and subsequent joint inventors. *Number of pages added* \_\_\_\_\_

\* \* \*

☐ **Signature** by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added* \_\_\_\_\_

\* \* \*

☐ **Signature** for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. Section 1.47. *Number of pages added* \_\_\_\_\_

\* \* \*

☐ Added page for **signature** by one joint inventor on behalf of deceased inventor(s) where legal representative cannot be appointed in time. (37 C.F.R. Section 1.47)

\* \* \*

☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (C-I-P) application.

☐ Number of pages added \_\_\_\_\_

\* \* \*

☐ Authorization of practitioner(s) to accept and follow instructions from representative.

*(If no further pages form a part of this Declaration,  
then end this Declaration with this page and check the following item)*

☒ This declaration ends with this page.